

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MASON, et al., on behalf of themselves and all  
others similarly situated,

Case No. 05-73943

Plaintiffs,

v

HON. JOHN CORBETT O'MEARA

GRANHOLM, et al., jointly and severally,

Defendants.

/

DEBORAH LaBELLE (P31595)  
Counsel for Plaintiffs  
221 N. Main St., Ste. 300  
Ann Arbor, MI 48104  
734.996.5620

PATRICIA A. STREETER (P30022)  
Counsel for Plaintiffs  
221 N. Main St., Ste. 300  
Ann Arbor, MI 48104  
734.222.0088

JOHN L. THURBER (P44989)  
DIANE M. SMITH (P32402)  
Assistant Attorney General  
Counsel for Defendants  
Corrections Division  
P.O. Box 30217  
Lansing, MI 48909  
517.335.7021

RICHARD A. SOBLE (P20766)  
Counsel for Plaintiffs  
221 N. Main St., Ste. 200  
Ann Arbor, MI 48104  
734.996.5600

MICHAEL L. PITT (P24429)  
PEGGY GOLDBERG PITT (P41407)  
CARY S. McGEHEE (P42318)  
Counsel for Plaintiffs  
117 W. Fourth St., Ste. 200  
Royal Oak, MI 48067-3804  
248.398.9800

DAVID A. KOTWICKI (P56070)  
Attorney for Defendant Carlton Carter  
20 S. Main St., Ste. 115  
Mt. Clemens, MI 48043  
586.468.9850

MOLLY RENO (P28997)  
Counsel for Plaintiffs  
221 N. Main St., Ste. 300  
Ann Arbor, MI 48104  
734.449.9883

RALPH J. SIRLIN (P24635)  
RONALD J. REOSTI (P19368)  
Counsel for Plaintiffs  
23880 Woodward Ave.  
Pleasant Ridge, MI 48069-1133  
248.691.4200

ROBERT R. STEARNS (P55188)  
Attorney for Defendant Chapman  
20 S. Main ST., Ste. 115  
Mt. Clemens, MI 48043  
586.868.0303

---

**ORDER DENYING DEFENDANTS GRANHOLM, CARUSO, ZANG, STOVALL, DAVIS, YUKINS, DeSANTIS, HOWELL, TALLEY, TOLLZEIN, MADDEN AND LANGLEY'S RULE 12(b)(6) MOTIONS FOR DISMISSAL**

Before this Court is Defendants Granholm, Caruso, Zang, Stovall, Davis, Yukins, DeSantis and Howell's Rule 12(b)(6) Motion for Dismissal dated November 17, 2005; Defendants Talley and Tollzein's Rule 12(b)(6) Motion for Dismissal dated December 1, 2005; Defendant Madden's Rule 12(b)(6) Motion for Dismissal dated December 14,

2005; and Defendant Langley's Rule 12(b)(6) Motion for Dismissal dated February 24, 2006. Plaintiffs filed responses on December 14, 2005, December 23, 2005 and March 17, 2006, respectively. Defendants filed a reply brief on December 28, 2005.

This Court heard oral argument on May 11, 2006 and for the reasons expressed on the record, the Defendants' motions are DENIED.

s/John Corbett O'Meara

John Corbett O'Meara  
United States District Judge

Dated: May 15, 2006